

REMARKS

The claims have been carefully reviewed in light of the Examiner's action.

Allowance of claims 9, 10, 27/9 and 27/10 is gratefully noted.

After a personal interview with the Examiner on May 11, 2004 ,
claims 6 and 26 have been rewritten and combined with
claims 1, 2 and 3, as new independent claims 31- 35, as requested by the Examiner.
(Claim 6 was combined with 1 and 3 into 31 and 32 ; and claim 26 was
combined with 1,2, and 3 into 33, 34, and 35).

It was also agreed during the interview to remove from claims 1,2, and 3 the last
sentence : " ,which does not have said electric propulsion system." , as unnecessary.

Claim 11 has been corrected to eliminate the improper multiple
dependency, and now is properly dependent on independent claims 9, 10 , and new
independent claims/ 31 , which the Examiner indicated would be allowable.

Similarly, to eliminate the improper multiple dependency, claim 28 was
canceled and rewritten as new independent claim 36, combining former claim 3
and corrected claim 28. Applicant's explanation is in Item 2 below.

No new matter has been added.

Before taking up the claims in detail, attention will be given to the prior art
patents, cited by the Examiner.

Item 2

Claim 11 has been corrected, and claim 28 has been canceled and rewritten as
new independent claim 36, to eliminate the improper multiple dependency of both
claims, as described above.

The major difference from the prior art patent of Tangri (US 4,085,709) is in the low pressure of the whole system, comprising electrolyzer and hydrogen storage. Hydrogen goes directly from the electrolyzer into an absorbent , such as a mixture of metal hydride, graphite and MCMBs at low pressure, without using the prior art bulky and unsafe compression system. Applicant's static system is smaller, safer , simpler, silent, and longer lasting , due to no moving parts. No new matter has been added, and both claims are fully supported by the Specification, Pages 32-35, and Fig. 25.

Tangri, West (US 3,517,766) and Munday (US5,143,025) do not suggest the system or vehicles of applicant as claimed. Therefore, the Examiner is requested to consider these claims for allowance.

Item 3

Claims 1-6, 26 and 27 have been corrected, or rewritten as new claims 31-~~35~~³⁵. The last sentence in claims 1-3 : " ,which does not have said electric propulsion system" was removed as unnecessary, after discussion with the Examiner.

Item 5

Claims 1-3 were rejected by the Examiner as unpatentable, as an obvious combination of the two prior art patents of West (US 3,517,766) and Munday (US 5,143,025). Claims 1-3 are canceled at this time. Applicant will file a continuation of this Application with a better explanation of this invention in relation to the prior art , as discussed with the Examiner.

Items 6 & 7

Applicant agrees with the Examiner, that carbon graphite and metal hydride are known hydrogen absorbents. Claims 4 and 5 are cancelled.

Item 8

Claims 27/1 and 27/3 are canceled in agreement with the Examiner's Advisory Action.

Item 9

Claims. 29 and 30 are canceled for the same reason as in Item 8.

Item 10

Applicant's Application # 08/950,445 was rejected and an Appeal to Federal District Court was also rejected. Consequently, Application # 08/950,445 is abandoned. Therefore the double patenting rejection is no more an issue.

Item 12

Claims 6 and 26 have been rewritten as new claims 31-35, as discussed with the Examiner and described on page *15* of this Amendment.

Item 13

In response to the Examiner's notes directed to claims 1-3, in the Examiner's Action of June 18, 2003, page 3, line 15, the Examiner mentioned " a vehicle having constituent drive elements of smaller capacity", suggesting that such vehicle would have a shorter range, than a vehicle with large capacity elements. Although the Examiner did not specifically wrote the words "less fuel", applicant inquired :
" how can a vehicle with smaller capacity drive elements have a shorter range, if it consumes less fuel ?"

Applicant's electric hybrids as claimed, permit the use of a smaller engine.

An actual example of achievable mileage range is given in the Specification, page 29, line 25, when a 3x smaller engine is used , as compared to a standard size engine required to drive a given vehicle. For the sake of clarity, additional explanation of the applicant's vehicle range, as compared to other prior art zero emissions vehicles is also given in the Secondary Considerations Letter of applicant, filed on July 12, 2003 at the PTO, which is incorporated herein.
Claims 1-3 are now incorporated into new claims 31-36.

Item 14

Applicant has corrected claim 11 and rewritten claim 28 as new claim 36, as explained in Item 2, to eliminate the improper multidependency. No new combination or new matter was added.

It is believed, that all the claims in this Amendment define new and unobvious matter. Accordingly, it is believed, that the Amendment places the Application in condition for allowance and such action is requested and urged.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph B. Kejha", with a long, sweeping horizontal stroke extending to the right.

Joseph B. Kejha
(applicant)